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PATENT

Attorney Docket No.: A-69605-1/DJB/RMS/DCF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of:

GUNDERSON et al.

Serial No. 09/940,185

Filed: August 27, 2001

For: PROBES AND DECODER
OLIGONUCLEOTIDES

Examiner: NOT YET ASSIGNED

Group Art Unit: NOT YET ASSIGNED

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Christine P. Peters

INFORMATION DISCLOSURE STATEMENTAssistant Commissioner
for Patents

Washington, DC 20231

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicant wishes to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO-1449. Copies of the documents are enclosed herewith.

None of the foregoing references are believed to disclose the invention as claimed.

Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application.

Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

Serial No.: 09/940,185
Filed: August 27, 2001

This Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of a national stage, or before the mailing date of a first Office Action on the merits. 37 C.F.R. § 1.97(b), and therefore no fee is required. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-69605-1/DJB/RMS/DCF).

Respectfully submitted,

FLEHR, HOHBACH, TEST,
ALBRITTON & HERBERT

Dated: October 23, 2001



David C. Foster
Reg. No. 44,685

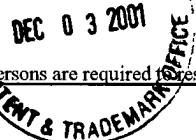
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	1	of	6	Attorney Docket Number	A-69605-1/DJB/RMS/DCF
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	1	4,200,110		Peterson et al.	4/1980	
	2	4,499,052		Fulwyler	2/1985	
	3	4,682,895		Costello	7/1987	
	4	4,785,814		Kane	11/1988	
	5	4,822,746		Walt	4/1989	
	6	4,824,789		Yafuso et al.	4/1989	
	7	4,999,306		Yafuso et al.	3/1991	
	8	5,002,867		Macevicz	3/1991	
	9	5,028,545		Soini	7/1991	
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	11	5,114,864		Walt	5/1992	
	12	5,132,242		Cheung	7/1992	
	13	5,143,853		Walt	9/1992	
	14	5,194,300		Cheung	3/1993	
	15	5,244,636		Walt et al.	9/1993	

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		Office ³	Number ⁴ (if known)				
	16	EP	0 269 764	A1	Molecular Biosystems, Inc.	6/1988	
	17	EP	0 392 546	A2	Drmanac et al.	10/1990	
	18	EP	0 478 319	A1	Kabushiki Kaisha Toshiba	4/1992	
	19	EP	0 723 146	A1	SRI International	7/1996	
	20	WO	89/11101	A1	Dynal A.S.	11/1989	
	21	WO	93/02360	A1	Transmed Biotech Incorporated	2/1993	
	22	WO	96/03212	A1	Brenner	2/1996	
	23	WO	97/14028	A2	Luminex Corp.	4/1997	
	24	WO	97/14928	A1	Brint, N.	4/1997	
	25	WO	97/40385	A1	Seul, M.	10/1997	
	26	WO	98/40726	A1	Trustees of Tufts College	9/1998	

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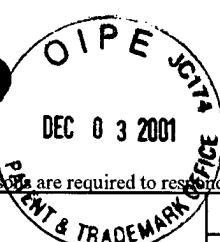
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Sheet	2	of	6	Attorney Docket Number	A-69605-1/DJB/RMS/DCF
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First Named Inventor	Gunderson et al.
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned

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		Number	Kind Code ² (if known)			
	27	5,244,813		Walt et al.	9/1993	
	28	5,250,264		Walt et al.	10/1993	
	29	5,252,494		Walt	10/1993	
	30	5,254,477		Walt	10/1993	
	31	5,298,741		Walt et al.	3/1994	
	32	5,302,509		Cheeseman	4/1994	
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	34	5,357,590		Auracher	10/1994	
	35	5,380,489		Sutton et al.	1/1995	
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	39	5,494,798		Gerdt et al.	2/1996	
	40	5,496,997		Pope	3/1996	
	41	5,512,490		Walt et al.	4/1996	
	42	5,516,635		Ekins et al.	5/1996	
	43	5,565,324		Still et al.	10/1996	

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		Office ³	Number ⁴ (if known)				
	44	WO	98/50782	A3 Trustees of Tufts College	11/1998		
	45	WO	98/53093	A1 Bioarray Solutions LLC	11/1998		
	46	WO	98/53300	A2 Lynx Therapeutics, Inc.	11/1998		
	47	WO	99/18434	A1 Trustees of Tufts College	4/1999		
	48	WO	99/60170	A1 Hyseq Inc.	11/1999		
	49	WO	99/67414	A1 Glaxo Group Ltd.	12/1999		
	50	WO	99/67641	A2 Illumina Inc.	12/1999		
	51	WO	00/04372	A1 Univ. of Texas	1/2000		
	52	WO	00/13004	A2 Trustees of Tufts College	3/2000		

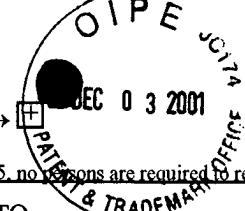
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	09/940,185
Sheet	3	of	6	Filing Date	August 27, 2001
				First Named Inventor	Gunderson et al.
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	A-69605-1/DJB/RMS/DCF

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		Number	Kind Code ² (if known)			
	53	5,573,909		Singer et al.	11/1996	
	54	5,575,849		Honda et al.	11/1996	
	55	5,633,972		Walt et al.	5/1997	
	56	5,639,603		Dower et al.	6/1997	
	57	5,656,241		Seifert et al.	8/1997	
	58	5,690,894		Pinkel et al.	11/1997	
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	67	5,856,083		Chelsky et al.	01/1999	
	68	5,858,732		Solomon et al.	01/1999	

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		Office ³	Number ⁴			
	69	WO	00/16101	A2	Trustees of Tufts College	3/2000
	70	WO	00/39587	A1	Illumina Inc.	7/2000
	71	WO	00/47996	A2	Illumina Inc.	8/2000
	72	WO	00/48000	A1	Illumina Inc.	9/2000
	73	WO	00/63437	A2	Illumina Inc.	10/2000
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	75	WO	00/71995	A2	Illumina Inc.	11/2000
	76	WO	00/75373	A2	Illumina Inc.	12/2000

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				First Named Inventor	Gunderson et al.
				Group Art Unit	Not Yet Assigned
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		Number	Kind Code ² (if known)			
	77	6,013,456		Akgavan-Tafti	01/2000	
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	79	6,110,678		Weisburg et al.	08/2000	
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	81	6,083,763		Balch	07/2000	
	82	5,494,810		Barany et al.	02/1996	
	83	5,830,711		Barany et al.	11/1998	
	84	6,027,889		Barany et al.	02/2000	
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	87	6,268,148	B1	Barany et al.	07/2001	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	09/940,185		
		Sheet	5	of	6	Filing Date	August 27, 2001
						First Named Inventor	Gunderson et al.
						Group Art Unit	Not Yet Assigned
						Examiner Name	Not Yet Assigned
				Attorney Docket Number	A-69605-1/DJB/RMS/DCF		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	93	Abel et al., "Fiber-Optic Evanescent Wave Biosensor for the Detection of Oligonucleotides," <i>Anal. Chem.</i> 68:2905-2912 (1996).		
	94	Anonymous, "Microsphere Selection Guide," Bang Laboratories, (Fisher, In) September 1998.		
	95	Anonymous, "Fluorescent Microspheres," Tech. Note 19, Bang Laboratories, (Fishers, In) February 1997.		
	96	Bangs, L.B., "Immunological Applications of Microspheres," The Latex Course, Bangs Laboratories (Carmel, IN) April 1996.		
	97	Barnard et al., "A Fibre-Optic Chemical Sensor with Discrete Sensing Sites," <i>Nature</i> , 353:338-340 (September 1991).		
	98	Chen et al., "A Microsphere-Based Assay for Multiplexed Single Nucleotide Polymorphism Analysis Using Single Base Chain Extension," <i>Genome Research</i> , 10(4):549-557 (2000).		
	99	Czarnik, "Illuminating the SNP Genomic Code," <i>Modern Drug Discovery</i> , 1(2): 49-55 (1998).		
	100	Drmanac, R. et al., "Sequencing by Oligonucleotide Hybridization: A Promising Framework in Decoding of the Genome Program," The First International Conference on Electrophoresis, Supercomputing and the Human Genome, Proceeding os th April 10-13, 1990 Conference at Florida State University. Ed. C. Cantor and H. Lim.		
	101	Drmanac, R. et al., "Prospects for a Miniaturized, Simplified and Frugal Human Genome Project," <i>Scientia Yugoslavica</i> , 16(1-2):97-107 (1990).		
	102	Drmanac, R. et al., "Sequencing by Hybridization (SBH) with Oligonucleotide Probes as an Integral Approach for the Analysis of Complex Genomes," <i>International Journal of Genome Research</i> , 1(1):59-79 (1992).		
	103	Drmanac, R. et al., "Sequencing by Hybridization," <i>Automated DNA Sequencing and Analysis</i> , ed. M. Adams, C. Fields and J. Venter. (1994).		
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	106	Healey et al., "Improved Fiber-Optic Chemical Sensor for Penicillin," <i>Anal. Chem.</i> 67(24):4471-4476 (1995).		
	107	Healey et al., "Development of a Penicillin Biosensor Using a Single Optical Imaging Fiber," <i>SPIE Proc.</i> 2388:568-573 (1995).		
	108	Healey et al., "Fiberoptic DNA Sensor Array Capable of Detecting Point Mutations," <i>Analytical Biochemistry</i> , 251:270-279 (1997).		
	109	Hirschfeld et al., "Laser-Fiber-Optic "Optrode" for Real Time In Vivo Blood Carbon Dioxide Level Monitoring," <i>Journal of Lightwave Technology</i> , LT-5(7):1027-1033 (1987).		
	110	Ian'hone et al., "Multiplexed Single Nucleotide Polymorphism Genotyping by Oligonucleotide Ligation and Flow Cytometry," <i>Cytometry</i> , 39:131-140 (2000).		

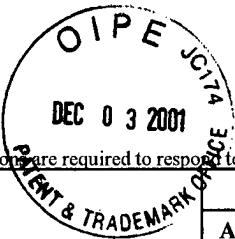
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Sheet 6 of 6

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

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